

## Message Text

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PAGE 01 USBERL 02557 301324Z  
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07  
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15  
USIA-06 IO-13 ACDA-07 TRSE-00 /079 W  
-----110761 010236Z /61

R 301124Z SEP 77  
FM USMISSION USBERLIN  
TO SECSTATE WASHDC 5403  
AMEMBASSY BONN  
INFO AMEMBASSY MOSCOW  
AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY PARIS  
USMISSION NATO

C O N F I D E N T I A L USBERLIN 2557

E O 11652: XGDS-1  
TAGS: PGOV BQG AKB  
SUBJ: CONTACTS BETWEEN FEDERAL PROSECUTOR AND MEMBERS OF ALLIED  
MISSIONS BERLIN

REF: (A) BONN 14874, (B) BONN 14802, (C) BONN 14767, AND  
PREVIOUS, (D) USBERLIN 2350

SUMMARY: OBERLE, HEAD OF FEDERAL PROSECUTOR TEAM, HAS  
APPROACHED BRITISH BERLIN MISSION LEGAL ADVISER WITH REQUEST  
TO MEET WITH ALLIED LEGAL ADVISERS. BERLIN MISSIONS CONSIDER  
SUCH CONTACT APPROPRIATE BUT WILL BE ESPECIALLY JUDICIOUS IN  
MANNER OF CONTACT. END SUMMARY.

1. OBERLE, HEAD OF BERLIN BRANCH OF FEDERAL PROSECUTOR'S  
OFFICE, WHO WAS APPOINTED HEAD OF FEDERAL PROSECUTION TEAM IN  
LORENZ/DRENCKMANN CASE (REFTEL A), HAS CONTACTED BRITISH  
LEGAL ADVISER WITH REQUEST TO MEET WITH ALLIED LEGAL ADVISERS.  
REQUEST WAS DIRECTED TO BRITISH (RATHER THAN FRENCH WHO WERE  
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IN PRESIDENCY) EITHER BECAUSE OBERLE'S OFFICE IS  
PHYSICALLY LOCATED IN BRITISH SECTOR OR BECAUSE OBERLE HAD  
HAD PRIOR INFORMAL CONTACT WITH ASSISTANT TO BRITISH LEGAL  
ADVISER. THIS IS OF NO MAJOR IMPORT. HOWEVER, SINCE  
BRITISH WERE CONTACTED, MISSION LEGAL ADVISERS HAD AGREED  
THAT BRITISH LEGAL ADVISER WILL MAKE FIRST CONTACT WITH  
OBERLE.

2. BERLIN MISSIONS CONSIDER IT ENTIRELY APPROPRIATE THAT ALLIED LEGAL ADVISERS SHOULD HAVE CONTACT WITH OBERLE, AS BERLIN REPRESENTATIVE OF FEDERAL PROSECUTOR. INASMUCH AS WE SUSPECT THAT OBERLE REQUEST WAS MOTIVATED BY HIS RECENT APPOINTMENT AS HEAD OF PROSECUTION TEAM IN LORENZ/DRENCKMANN CASE, WE WISH TO AVOID SITUATION IN WHICH OBERLE MIGHT DRAW INCORRECT CONCLUSION THAT REMARKS MADE BY OR IN THE PRESENCE OF ALL THREE LEGAL ADVISERS CONSTITUTE ALLIED GUIDANCE ON THE CONDUCT OF THE PROSECUTION. WE REALIZE WE ARE BEING OVERLY CAUTIOUS.

3. NONETHELESS, TO AVERT THIS POSSIBILITY, LEGAL ADVISERS WILL NOT RPT NOT AT THIS TIME MEET AS A GROUP WITH OBERLE. FIRST CONTACT WILL BE BETWEEN OBERLE AND BRITISH LEGAL ADVISER AND ASSISTANT. THEREAFTER, U.S. AND FRENCH LEGAL ADVISERS MAY CONTACT OBERLE SEPARATELY.

4. WE DO BELIEVE THAT THESE CONTACTS MAY PROVIDE US WITH USEFUL AND TIMELY INFORMATION CONCERNING ANY DIFFICULTIES OF INTEREST TO US INVOLVED IN THE PROSECUTION. FOR EXAMPLE, BRITISH LEGAL ADVISER PLANS ASK OBERLE TO DESCRIBE ARGUEMENTS HE ENVISAGES MAY BE MADE BY DEFENSE COUNSEL IN CHALLENGING RIGHT OF THE FEDERAL PROSECUTOR'S OFFICE TO PROSECUTE CASE. WE HAVE SUGGESTED THAT BRITISH LEGAL ADVISER ALSO ASK OBERLE IF HE IS AWARE OF FRG  
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UNDERTAKING THAT ANY PRESS STATEMENTS WILL ISSUE FROM FEDERAL PROSECUTOR'S OFFICE IN BERLIN AND NOT FROM KARLSRUHE. ADDITIONALLY, WE HAVE SUGGESTED THAT OBERLE BE REMINDED OF ALLIED DESIRE FOR DISCRETION IN PUBLIC HANDLING OF CASE AND THAT OBERLE BE ADVISED THAT WE ARE PREPARED TO REVIEW (UNOFFICIALLY) THE TEXTS OF ANY PARTICULARLY SENSITIVE PRESS STATEMENTS BEFORE THEY ARE MADE, ESPECIALLY IF SUCH STATEMENTS REFLECT ON THE PROBLEM OF COMPETENCIES IN BERLIN.GEORGE

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## Message Attributes

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**Disposition Date:** 22 May 2009  
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**TAGS:** PGOV, US, WB, BQG, AKB  
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**Review Markings:**  
Margaret P. Grafeld  
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